

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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ERIC FISHON, et al., :
Plaintiffs, :
-v- : 19-cv-11711 (LJL)
PELOTON INTERACTIVE, INC. :
Defendant. :
----- X

LEWIS J. LIMAN, United States District Judge:

The Court has before it four motions to seal. *See* Dkt. Nos. 116, 131, 149, 160. The motions are directed to documents currently filed under seal at various docket entries. The motions at Dkt. Nos. 116, 131, and 149 are granted in part and denied in part. The motion at Dkt. No. 160 is denied. The following redactions—which are addressed in the motions at Dkt Nos. 116, 131, and 149—are permitted:

- In Dkt. No. 119:
 - On page 2 (page 10 of the PDF): the proposed redaction of the second sentence of the last paragraph, appearing directly after “a ubiquitous feature of its advertising”;
 - On page 4 (page 12 of the PDF): the proposed redactions immediately following “class offerings in Peloton’s library,” “this same survey found,” and “[s]o ‘obvious’ to Peloton was it that”;
 - On page 6 (page 15 of the PDF): the proposed redaction following “dominate the home fitness market, because . . .”
- In Dkt. No. 136:
 - On page 23 and continuing onto page 24 (pages 31 and 32 of the PDF): the proposed redaction in the parenthetical following “2018 Annual Member Survey, at 10 . . .”
- In Dkt. No. 151:
 - On page 2 and continuing onto page 3 (pages 8 and 9 of the PDF): the proposed redaction following “[i]nIndeed, Peloton’s website is”;
 - On page 3 (page 9 of the PDF): the proposed redaction between “[a]ccording to” and “[a]nd as Peloton’s former Head of Global Marketing testified . . .”

The requests for the remaining proposed redactions in Dkt. Nos. 119, 130, 136, 137, 141, 143, 151, 153, 155, 162 are denied. The parties are directed to file these documents on the public docket with only the approved reactions no later than January 28, 2022.

The motions also request that certain documents or depositions which are exhibits to filings related to the class certification motion or motion to exclude expert testimony be filed under seal in their entireties. That request is inconsistent with the narrow tailoring principle of *Lugosch v. Pyramid Company of Onondaga*, 435 F.3d 110 (2d Cir. 2006). As presently framed, the request for sealing of the documents is denied. The Court will, however, suspend the effect of that denial for fourteen days, in order to give the parties an opportunity to propose narrowly tailored redactions of the documents and depositions taking into account the redactions allowed by this Order and those permitted by Lugosch. In the absence of a renewed motion directed to the documents and depositions with more narrowly tailored redactions, the Court will direct the Clerk to unseal the documents and deposition transcripts that have been filed entirely under seal on or after January 28, 2022.

SO ORDERED.

Dated: January 21, 2022
New York, New York



LEWIS J. LIMAN
United States District Judge